

The Honorable John H. Chun

**UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON AT TACOMA**

GLENN S. MORRISON, Individually,

Plaintiff,

vs.

STATE OF WASHINGTON, DEPARTMENT
OF HEALTH and SOCIAL SERVICES
(DSHS); DEPARTMENT OF HEALTH
(DOH) DAVID HOLT, CEO WESTERN
STATE HOSPITAL; KATHERINE
RAYMER, DANIEL RUIZ PAREDES,
TODD M. TERHAAR, DOH HEALTH
CARE INVESTIGATOR III,

Defendants.

NO. 3:20-cv-06015-JHC

**STIPULATION TO EXTEND
DISCOVERY CUT-OFF DEADLINE
FOR DEPOSITIONS OF WITNESSES
JONES, DRENGSON AND DAVIS**

I. INTRODUCTION

The parties, Plaintiff Glenn Morrison (“Plaintiff”) and defendants State of Washington, Department of Social and Health Services, Department of Health, David Holt, Katherine Raymer, Daniel Ruiz Paredes, and Todd Terhaar (collectively, “Defendants”), through their respective attorneys of record, hereby jointly stipulate to a one-month extension of the discovery cutoff deadline from September 29, 2022 to October 31 for the limited purposes of taking discovery depositions of three witnesses: Michael

**STIPULATION TO EXTEND DISCOVERY CUT-OFF
DEADLINE FOR DEPOSITIONS OF WITNESSES
JONES, DRENGSON AND DAVIS – 1
Cause No.: 3:20-cv-06015-JHC**

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Jones, Michelle Drengson, and Dr. Frederick B. Davis. These witnesses are Plaintiff's expert witness and two treating health care providers for Plaintiff.

II. LEGAL AUTHORITY AND ANALYSIS

Pursuant to Rule 16(b)(4), a party may seek modification of a scheduling order including modification of a discovery cut-off date, "only for good cause and with a judge's consent." *See accord* Local Rule 16(b)(6). Good cause exists when a scheduling deadline cannot reasonably be met despite the diligence of the party seeking the extension. *Zivkovic v. S. Cal. Edison Co.*, 302 F.3d 1080, 1878 (9th Cir. 2002). In considering whether good cause exists, the Court "primarily considers the diligence of the party seeking amendment." *Johnson v. Mammoth Recreations, Inc.*, 975 F.2d 604, 609 (1992). A party may establish good cause by showing:

(1) that [he or she] was diligent in assisting the court in creating a workable Rule 16 order; (2) that [his or her] noncompliance with a Rule 16 deadline occurred or will occur, notwithstanding [his or her] diligent efforts to comply, because of the development of matters which could not have been reasonably foreseen or anticipated at the time of the Rule 16 scheduling conference; and (3) that [he or she] was diligent in seeking amendment of the Rule 16 order, once it became apparent that he or she could not comply with the order.

Hood v. Hartford Life & Accident Ins. Co., 567 F.Supp.2d 1221, 1224 (E.D. Cal. 2008) (internal citations omitted).

Here, the current deadline to complete discovery is September 29, 2022. Dkt. 30. The parties stipulate and agree to extend this discovery cut-off deadline for the sole purpose of taking the three depositions because additional time is needed to complete the discovery process adequately and fairly for these three depositions. The parties are currently and diligently negotiating to resolve various scheduling issues in terms of party and witness depositions to complete this discovery in the most efficient manner possible. The parties make this request to extend the discovery cut-off deadline after ultimately concluding

that avoiding this request is not feasible. At this time, however, the parties do not in good faith anticipate the need to extend the discovery cut-off deadline to accommodate any additional witness depositions nor discovery, in general.

AND, THE PARTIES STIPULATE AND AGREED TO THE FOLLOWING:

To extend the discovery cut-off deadline one month, from September 29, 2022 to October 31, 2022.

SO STIPULATED

DATED this 7th day of September 2022.

LAW, LYMAN, DANIEL, KAMERRER
& BOGDANOVICH, P.S.

/s/ Amanda Bley Kuehn

Amanda Bley Kuehn, WSBA No. 42450
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DATED this 7th day of September 2022.

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s/ Richard W. Wooster

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DATED this 7th day of September 2022.

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s/ Debra Lefing

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III. ORDER

The Court finds good cause to extend the discovery cut-off period one-month from September 29, 2022 to October 31, 2022 for the sole purpose of accommodating the Jones, Drengson, and Davis depositions. The current case schedule order is at Dkt. 30.

IT IS SO ORDERED.

Dated: 9th day of September, 2022.


HON. JOHN H. CHUN
United States District Judge